

FILED

1 MELINDA HAAG (CABN 132612)  
 2 United States Attorney

3 DAVID R. CALLAWAY (CABN 121782)  
 4 Chief, Criminal Division

5 KELSEY LINNETT (CABN 274547)  
 6 Special Assistant United States Attorney

7 1301 Clay Street, Suite 340S  
 8 Oakland, CA 94612  
 9 Telephone: (510) 637-3932  
 10 Fax: (510) 637-3724  
 11 E-Mail: kelsey.linnett2@usdoj.gov

12 Attorneys for the United States of America

13  
 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 OAKLAND DIVISION

17 UNITED STATES OF AMERICA,

18 ) No. CR 4-15-70526 MAG

19 Plaintiff,

20 ) STIPULATION AND [PROPOSED] ORDER TO  
 21 ) CONTINUE STATUS CONFERENCE AND TO  
 22 ) EXTEND TIME UNDER RULE 5.1 AND WAIVE  
 23 ) TIME UNDER THE SPEEDY TRIAL ACT

24 v. MICHAEL LEE THOMAS,

25 ) UNDER SEAL

26 Defendant.

27 )

28 The defendant, Michael Lee Thomas, represented by Shaffy Moeel, Esquire, and the  
 1 government, represented by Kelsey Linnett, Special Assistant United States Attorney, jointly request a  
 2 continuance in the above-captioned matter.

3 Mr. Thomas is currently set to appear before the Honorable Kandis A. Westmore on July 17,  
 4 2015. Counsel for the defendant is travelling and unavailable on July 17, 2015. Consequently, the  
 5 parties respectfully request that the status conference that is currently set for July 17, 2015, be continued  
 6 to July 24, 2015, before the Honorable Donna M. Ryu.

7 The parties hereby stipulate and agree that good cause exists to extend time for a preliminary  
 8 hearing under Rule 5.1(d), specifically by excluding the time between July 17, 2015 and July 24, 2015

9 STIPULATION AND [PROPOSED] ORDER TO CONTINUE STATUS CONFERENCE  
 10 CR 4-15-70526 MAG

2015 JUL 16 A 9:12  
 RICHARD C. JACKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

1 from calculation of the scheduling of a preliminary hearing under Rule 5.1(c). Furthermore, the  
2 defendant also agrees to toll and to waive for this period of time any time limits applicable under Title  
3 18, United States Code, Section 3161. The parties agree and stipulate that defense counsel needs  
4 additional time to meet with her client to review discovery and discuss plea negotiations in the case and  
5 that an exclusion of time under the Speedy Trial Act for continuity of counsel and effective preparation  
6 of counsel is warranted pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) between July 17, 2015, and  
7 July 24, 2015.

8 IT IS SO STIPULATED.

9  
10 DATED:

*Shaffy Moel (by kelsey Linnett)*  
SHAFFY MOEEL\*  
Attorney for Defendant

11  
12 DATED:

*K. Linnett*  
KELSEY LINNETT  
Special Assistant United States Attorney

13  
14  
15 \*Signed with permission.

16  
17 **[PROPOSED] ORDER**

18  
19 For good cause shown, and upon the agreement of the parties, the Court orders that the status  
20 conference that is currently set for July 17, 2015 be CONTINUED to July 24, 2015 at 9:30 a.m. The  
21 Court further orders that the time between July 17, 2015 and July 24, 2015 be extended in regards to the  
22 scheduling of a preliminary hearing under Rule 5.1(c) and 5.1(d), and that time between July 17, 2015  
23 and July 24, 2015 also be excluded from calculation under the Speedy Trial Act for continuity of  
24 counsel and effective preparation of counsel pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

25 IT IS SO ORDERED.

26 DATED: 7/16/15

*Kandis Westmore*  
KANDIS A. WESTMORE  
United States Magistrate Judge